

REMARKS

The application has been reviewed in light of the Office Action mailed on June 28, 2005. Claims 1-28 are currently pending in the application, with Claims 1, 9, 15, 20, 25 and 27 being in independent form. By this response, Claim 2 has been amended to correct a typographical error. In view of the remarks to follow, reconsideration and allowance of this application are respectfully requested.

Objection to Claim 2

Claim 2 was objected to because of an informality. Claim 2 has been amended to delete "determines." Accordingly, reconsideration and withdrawal of the objection is respectfully requested.

Rejection of Claims 15-28 under 35 U.S.C. § 102

Claims 15-28 were rejected under 35 U.S.C. § 102(a) as being unpatentable over Yoshida (EP 0 335 656 A1). The rejection with respect to these claims is respectfully traversed.

Yoshida is directed to an automatic focus control apparatus comprising zoom lens 2; image pick-up means (i.e., image pick-up element 3, pre-amplifying circuit 4, signal processing circuit 5, and matrix circuit 6) for picking up an image of an object by means of zoom lens 2; amplitude value detecting means (i.e., band-pass filter circuits 7A, 7B, 7C, detecting circuits 8A, 8B, and 8C, selector switch 9 and A/D converter 12) for detecting the amplitude value of the color signals SB, SG and SR derived from the image pick-up means; and auto-focus control circuit 10. See column 3, lines 51-60 and FIG. 2.

It is respectfully submitted that the present invention as claimed is patentably distinct over Yoshida. With respect to independent Claim 15, Yoshida does not disclose or suggest "generating at least one data signal representative of at least one parameter of at least one

wavelength component,” let alone “performing an analysis utilizing principles of axial chromatic aberration and at least one value indicative of the parameter of the at least one wavelength component,” as recited in Applicants’ independent Claim 15.

In contrast, the automatic focus control apparatus described in Yoshida makes use of the chromatic aberration of a lens 2 to detect focus position information on the basis of amplitude values of respective primary color signals derived by an image pick-up element 3, and hence control the focus of the lens 2.

It is respectfully submitted that the amplitude and the wavelength of a wave are two different characteristics. The amplitude of a wave is the measure of the magnitude of the maximum displacement of a periodic wave. In contrast, the wavelength of a wave is the distance between one peak of a wave and the next corresponding peak. Signals corresponding to different colors have different wavelengths.

The at least one data signal generated by the present invention as claimed is representative of at least one parameter of *at least one wavelength component of the optical code* impinging onto the image sensor. In contrast, the apparatus described by Yoshida utilizes the amplitude values of the different color signals and not wavelength components. See column 5, lines 43-51 and FIG. 6.

Accordingly, independent Claim 15 is believed to be patentably distinct over Yoshida. Therefore, reconsideration and withdrawal of the rejection is respectfully requested and allowance of the claim is earnestly solicited.

With respect to independent Claims 20, 25 and 27, it is respectfully submitted that Claims 20, 25 and 27 include similar limitations as independent Claim 15. Therefore, for at least the same reasons given above for independent Claim 15, it is respectfully submitted that

independent Claims 20, 25 and 27 are also believed to be patentably distinct over Yoshida. Accordingly, reconsideration and withdrawal of the rejection is respectfully requested and allowance of the independent claims is earnestly solicited.

Dependent Claims 16-19, 21-24, 26 and 28 depend directly or indirectly from independent Claims 15, 20, 25 and 27, and are therefore patentable for at least the reasons given above for independent Claims 15, 20, 25 and 27. Accordingly, reconsideration and withdrawal of the rejection is respectfully requested and allowance of the dependent claims is earnestly solicited.

Rejection of Claims 1-14 under 35 U.S.C. § 103

Claims 1-14 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Yoshida. It is respectfully submitted that the present invention as disclosed and claimed is patentably distinguishable over Yoshida.

With regards to independent Claims 1 and 9, it is respectfully submitted that independent Claims 1 and 9 are patentable over Yoshida. Yoshida does not disclose or suggest the recited optical code reading method and system comprising generating at least one data signal representative of at least one parameter of *at least one wavelength component*, and performing an analysis utilizing principles of axial chromatic aberration and at least one value indicative of the parameter of the at least one wavelength component, as recited by Applicants' independent Claims 1 and 9.

As described above, Yoshida makes use of the chromatic aberration of a lens to detect focus position information on the basis of amplitude values of respective color signals. The use of amplitude values is not obvious over the use wavelength components as recited by Applicants' independent Claims 1 and 9. Accordingly, Applicants' recitations in independent

Claims 1 and 9 are not obvious over Yoshida. Therefore, reconsideration and withdrawal of the rejection is respectfully requested and allowance of independent Claims 1 and 9 is earnestly solicited.

Dependent Claims 1-8 and 10-14 depend directly or indirectly from independent Claims 1 and 9, and are therefore patentable for at least the reasons given above for independent Claims 1 and 9. Accordingly, reconsideration and withdrawal of the rejection is respectfully requested and allowance of the dependent claims is earnestly solicited

Conclusion

In view of the foregoing amendments and remarks, it is respectfully submitted that none of the references of record, considered individually or in combination, in whole or in part, disclose or suggest the claimed subject matter. Therefore, all claims now pending in this application, namely, Claims 1-28, are now in condition for allowance. Accordingly, early and favorable consideration of this application is respectfully requested.

Should the Examiner believe that a telephone or personal interview may facilitate resolution of any remaining matters, he is respectfully requested to contact Applicants' undersigned attorney at the telephone number indicated below.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read 'George Likourezos', is written over a horizontal line.

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